

(d) enabling the customer household to preview the preselected music selection a predetermined number of times, utilizing a user station comprising a circuit for degrading quality of the previewed preselected music selections previewed by deleting sections from the preselected music selections.

(e) enabling the customer household to playback the recorded music selection;

(f) communicating music playback information from the customer household to a central controller system; and

(g) billing the customer household for the recorded music selection that has been played back, based on the communicated music playback information.

REMARKS

In the Office Action of October 8, 2002, the Examiner rejected claims 1-13, 18-24, 29-35, 37, 39-42, 47-57, 59, 61-67, 72-78, 80, and 82-85 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,959,945 to Kleiman and EP 0975111A2 to Yamanaka et al.; rejected claims 43-46 and 86-89 under 35 U.S.C. § 103(a) over Kleiman and Yamanaka in view of U.S. Patent No. 5,969,283 to Looney et al.; and rejected claims 90-96 under 35 U.S.C. § 102(a) over Kleiman. In addition, the Examiner objected to claims 17, 28, 60, and 71¹ as claiming allowable subject matter, but as being dependent on a rejected base claim.

¹ In the Office Action Summary, the Examiner noted that all pending claims, 1-13, 15-24, 29-35, 37, 39-57, 59-67, 72-78, 80, 82, and 82-96 were rejected, but noted, in the Detailed Action (on page 12), that claims 17, 28, 60, and 71 were allowable but objected to as being dependent on a rejected base claim. The Examiner, by telephone, clarified that he intended to object to claims 17, 28, 60 and 71 as noted in the Detailed Action, and not reject them as noted in the Action Summary.

By this amendment Applicants cancel claims 1-13, 15-24, 29-35, 37, 39-57, 59-67, 72-78, 80, and 82-96 without prejudice or disclaimer of the subject matter thereof.

By this Amendment, Applicants have rewritten claims 17 and 60 in independent form as new claims 97-104. Applicants submit that no new matter is introduced by this amendment. Furthermore, as the Examiner has (twice) noted the allowability of claims 17 and 60, Applicants submit that new claims 97-104 are allowable.

Conclusion


In view of the foregoing amendments and remarks, Applicants respectfully request the timely allowance of pending claims 97-104.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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